

# NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT (NTTAA)

## ISSUE SUMMARY:

- EPA and other Federal agencies are required to use Voluntary Consensus Standards (VCS) and other private sector standards to carry out regulatory and non-regulatory activities, as directed by the National Technology Transfer and Advancement Act (NTTAA) and related Federal policies. EPA regulations contain over 4500 references to private sector standards, which also form the foundational technical requirements of EPA voluntary programs such as ENERGY STAR and WaterSense.
- EPA's Standards Executive, housed in the Office of Policy (Administrator's Office), facilitates NTTAA implementation and coordinates agency participation in development of standards and issuance of related agencywide procedures and guidance.
- The Standards Executive works with over 150 staff within the program offices and regions to coordinate EPA's participation in private sector standards and to encourage consideration of using private sector standards in regulation, procurement and other voluntary programs. Cross-agency coordination and collaboration is critical, as there are many laws, regulations, and policies that intersect the standards work, including FOIA, the policy on scientific integrity, ethics and the Administrative Procedures Act.

## BACKGROUND:

### About the National Technology Transfer and Advancement Act

Section 12(d) of the NTAAA states that Federal agencies and departments shall:

- Use VCS to carry out policy objectives, except where "inconsistent with applicable law or otherwise impractical" (applies to regulatory and non-regulatory activities);
- Consult with VCS bodies; and
- Participate in the development of VCS whenever such participation is in the public interest and is compatible with agency or departmental missions, authorities, priorities, and budgetary resources.

VCS are technical documents, such as test methods, specifications, and terminology, that are developed using procedures that are open and fair to all interested parties. VCS are generally developed by private sector, not-for-profit organizations such as ASTM International, NSF International and the International Organization for Standardization (ISO). The NTTAA also encourages Federal agencies to coordinate their conformity assessment activities (e.g., testing, inspection, certification) with those of the private sector to avoid unnecessary duplication and complexity in Federal conformity assessment activities.

### Benefits to EPA and its Stakeholders

The NTTAA and related laws, regulations and policies can benefit EPA and its stakeholders in many ways, including:

- Using public resources efficiently and effectively (helps EPA "do more with less").
- Reducing unnecessary burden on regulated communities, while ensuring environmental protections.
- Fostering efficient/streamlined information exchange among a diverse set of perspectives to advance protection of human health and the environment and to spur innovation.
- Aligning regulatory requirements across markets to create a level playing field for U.S. exports.

### EPA Standards Executive

OMB Circular A-119 outlines specific responsibilities for heads of Agencies, including designating an Agency Standards Executive. The responsibilities for EPA's Standards Executive, outlined in OMB A-119 , include:

- Conducting outreach to EPA staff engaged in rulemaking, procurement and other programmatic activities to ensure that they are aware of, and consider, the NTTAA and related policies;
- Providing training, guidance and other resources to help EPA staff implement the NTTAA and related policies (consistent with EPA's budget and other considerations); and
- Representing EPA's positions on private sector standards and conformity assessment in interagency fora, including the Interagency Committee on Standards Policy (ICSP).

### NTTAA Coordination within EPA

EPA's Standards Executive works with the following groups to coordinate NTTAA Implementation:

- NTTAA Community of Practice: consists of over 150 EPA staff from across EPA headquarters and regional offices who are involved in the development and/or use of VCS and private sector standards and conformity assessment activities.
- Regulatory Steering Committee (RSC): acts as a steward for EPA's regulatory development process. The RSC also ensures a consistent, thoughtful, collaborative approach to cross-cutting regulatory and non-regulatory policy development. The RSC provides comment/clearance on behalf of EPA headquarters and each regional office for briefing papers, policy and position papers, EPA's annual NTTAA reporting, and related documents.

### KEY EXTERNAL STAKEHOLDERS:

- ☒ Congress      ☒ Industry      ☒ States      ☐ Tribes      ☒ Media      ☒ Other Federal Agency  
☒ NGO      ☒ Local Governments      ☒ Other: U.S. Standardization Community

*The U.S. Standardization Community consists of Federal and local government agencies, industry, consumer and environmental organizations, academia, test labs and certification bodies, and others. Over 270,000 organizations and companies, and over 30 million professionals contribute to the VCS used by EPA.*

### MOVING FORWARD:

Key objectives moving forward include:

- Form NTTAA Management Group consisting of senior leaders who oversee programs that use and/or participate in private sector standards and conformity assessment activities. This group will receive periodic updates on major developments, opportunities, and issues relating to EPA's implementation of the NTTAA.
- Increasing EPA leadership and participation in private sector standards bodies.
- Proactive monitoring of private sector standards activities relating to EPA.
- Improving EPA staff access to standards documents.
- Updating references to standards in regulations.
- Ensuring that the public has "reasonable availability" to the standards referenced by EPA.
- Promoting consideration of the NTTAA earlier in the decision-making process for regulatory activities.

### LEAD OFFICE/REGION:

- Lead Office: Office of Policy (Office of the Administrator) houses EPA's Standards Executive and coordinates NTTAA implementation across the agency.
- Other Offices: All EPA headquarters and regional offices are responsible for identifying opportunities to use VCS to advance their policy objectives and to engage/participate in the development of VCS.